

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

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APPLERA CORPORATION, MDS INC.,	)	)
and APPLIED BIOSYSTEMS/MDS SCIEX	)	)
INSTRUMENTS,	)	)
	)	)
Plaintiffs,	)	Civil Action No. 04-1230-GMS
	)	)
v.	)	)
	)	)
THERMO ELECTRON CORPORATION,	)	)
	)	)
Defendant.	)	)

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**REPLY TO THERMO ELECTRON CORPORATION'S COUNTERCLAIMS**

Applera Corporation (“Applera”), MDS Inc. (“MDS”), and Applied Biosystems/MDS Sciex Instruments (“the AB/Sciex Partnership”) (collectively “AB/Sciex”) hereby reply to the numbered paragraphs of the counterclaims contained in the Answer and Counterclaim of Thermo Electron Corporation (“Thermo”) dated March 28, 2005, as follows:

1. Plaintiffs AB/Sciex admit that Thermo is a Delaware corporation having a place of business at 81 Wyman Street, Waltham, MA 02454.
2. Plaintiffs AB/Sciex admit that Applera is a Delaware corporation having a principal place of business at 301 Merritt 7, Norwalk, CT 06851.
3. Plaintiffs AB/Sciex admit that MDS is a Canadian corporation having its principal place of business at 100 International Boulevard, Toronto, Ontario, Canada MNW 6J6.
4. Plaintiffs AB/Sciex admit that Applera, through its subsidiary Applied Biosystems (Canada) Limited, and MDS, through its MDS Sciex Division, are general partners of Applied Biosystems/MDS Sciex Instruments.

5. Plaintiffs AB/Sciex admit that Applied Biosystems/MDS Sciex Instruments is a Canadian partnership formed under the laws of the Province of Ontario, Canada and having a place of business at 71 Four Valley Drive, Concord, Ontario, Canada L4K 4V8.

6. Plaintiffs AB/Sciex admit that this Court has subject matter jurisdiction of Thermo's Counterclaims pursuant to 28 U.S.C. §§ 1331, 1338(a) and 2201.

7. For purposes of this action only, Plaintiffs AB/Sciex admit that they are subject to personal jurisdiction in this Court as AB/Sciex filed the instant action in this Court.

8. Plaintiffs AB/Sciex admit that venue is proper in this District as to Thermo's Counterclaims.

9. Plaintiffs AB/Sciex admit that MDS is the owner of the '736 patent.

10. Plaintiffs AB/Sciex admit that Applera and the AB/Sciex Partnership are co-exclusive licensees of the '736 patent, and Applera, through its Applied Biosystems Group, is the exclusive worldwide distributor of products manufactured by MDS that embody the invention of the '736 patent.

11. Plaintiffs AB/Sciex admit that they have accused Thermo of infringing the '736 patent.

12. Plaintiffs AB/Sciex admit that an actual controversy exists as to the infringement of the '736 patent, but deny each and every remaining averment of paragraph 12.

13. Plaintiffs AB/Sciex hereby incorporate its replies to the preceding paragraphs as if fully set forth herein.

14. Plaintiffs AB/Sciex deny each and every averment of this paragraph.

15. Plaintiffs AB/Sciex deny each and every averment of this paragraph.

16. Plaintiffs AB/Sciex hereby incorporate its replies to the preceding paragraphs as if fully set forth herein.

17. Plaintiffs AB/Sciex deny each and every averment of this paragraph.

18. Plaintiffs AB/Sciex deny each and every averment of this paragraph.

**THERMO'S PRAYER FOR RELIEF**

19. Plaintiffs AB/Sciex do not believe that Thermo's prayer for relief requires a response; however, to the extent one is deemed necessary, Plaintiffs AB/Sciex deny that Thermo is entitled to any of the relief requested.

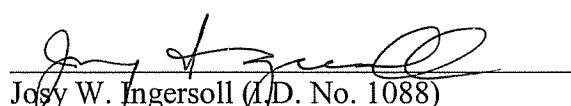
**FURTHER ANSWER**

20. Further answering the Counterclaims, Plaintiffs AB/Sciex deny all allegations in the Counterclaims that are not hereinabove expressly admitted.

**WHEREFORE** Plaintiffs AB/Sciex demand judgment against Thermo, dismissing the Counterclaims with prejudice, for attorneys fees' and costs of suit, and for such other and further relief as may be appropriate.

Dated: April 6, 2005

YOUNG CONAWAY STARGATT & TAYLOR, LLP



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**CERTIFICATE OF SERVICE**

I, Josy W. Ingersoll, Esquire hereby certify that on April 6, 2005, I caused to be electronically filed a true and correct copy of the foregoing document with the Clerk of the Court using CM/ECF, which will send notification that such filing is available for viewing and downloading to the following counsel of record:

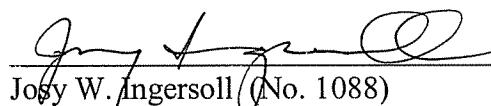
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I further certify that on April 6, 2005, I caused a copy of the foregoing document to be served by hand delivery on the above-listed counsel of record and on the following non-registered participants in the manner indicated:

**BY E-MAIL**

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